

# **SUPPLEMENTAL EXHIBIT 3**

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF VIRGINIA

3

(Alexandria Division)

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LEN STOLER INC. d/b/a ) Case No.

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LEN STOLER AUDI ) 1:15CV1659-TSE/JFA

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Plaintiff )

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vs. )

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VOLKSWAGEN GROUP OF )

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AMERICA, INC. d/b/a/ )

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AUDI OF AMERICA, INC., )

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Defendant )

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Deposition of Barry Stoler

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Baltimore, Maryland

15

July 21, 2016

16

10:00 a.m.

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Reported by: Bonnie L. Russo

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Job No. 2340471

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1	A. Correct.	1	prices that Hunt Valley -- the prices that Hunt
2	Q. So do you know if other dealers sell	2	Valley was selling vehicles to consumers, what
3	cars at lower gross profits so that they can	3	do you know about Hunt Valley's retail prices?
4	increase their service volume?	4	A. I don't have knowledge as a business
5	A. I don't know what happens as a	5	practice what they sold their cars for. I have
6	business philosophy in other stores, no.	6	not seen their financial statement, so I really
7	Q. But that was not a business	7	wouldn't know.
8	philosophy of Len Stoler, Inc.?	8	Q. What, if anything, do you know about
9	A. Sure, it was. Our philosophy in Len	9	Hunt Valley's profit margins?
10	Stoler Audi and Len Stoler, Inc. is if you can	10	A. The only thing I can say about Hunt
11	make a profit on a car and you can make a sale	11	Valley's profit margins are, know about, is
12	and replace the car, then you sell the car, but	12	what I have been told about the deals that we
13	we are not going to take a loss on a car.	13	would go against them with, that we couldn't
14	A lot of times with Audi, in order	14	compete because they have a price advantage
15	to be competitive, we had to take losses on	15	over us.
16	case which didn't make any sense because the	16	Q. So doesn't that really relate to the
17	other dealers had a price advantage over us.	17	price, the retail price for the profit margin?
18	Q. Do you know if other Audi dealers	18	A. We are talking about not retail
19	were taking losses on cars?	19	price, but transactional price.
20	A. I don't know.	20	Q. Perhaps I am -- we are using
21	Q. I want to turn to some of the other	21	slightly different terms. I mean the sales
22	dealers in Maryland.	22	price. The transactional price is what you are
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1	Were other Maryland dealers your	1	talking about?
2	primary competitors at Len Stoler?	2	A. Yes.
3	A. Yes.	3	Q. I'm going to back up then.
4	MS. WAHL: Objection as to	4	As to Hunt Valley, what do you know
5	relevance.	5	about the transactional price of the vehicles
6	You have already answered.	6	that they sell?
7	BY MR. FINE:	7	MS. WAHL: Currently.
8	Q. Who are the other Maryland Audi	8	THE WITNESS: You mean today?
9	dealers?	9	BY MR. FINE:
10	A. There is Hunt Valley, Criswell and	10	Q. I want to go broad and then narrow
11	Silver Spring will be the only competitor that	11	it down to specific time frames. 2016, what do
12	we would actually be dealing with. There are	12	you know about the --
13	other Maryland dealers, but only on a rare	13	A. As I said before, only -- the only
14	circumstance or rare occasion would we ever	14	thing I know about would be the ones that were
15	compete with them.	15	told to me by my managers and some of the
16	Q. So the principal competitors of Len	16	salespeople on deals we were fighting with,
17	Stoler Audi were Hunt Valley, Criswell and that	17	where the customer is going back and forth.
18	is in Annapolis?	18	That's the only knowledge I have. I don't know
19	A. Annapolis.	19	what they do with other customers who don't
20	Q. And Silver Spring?	20	shop. For all I know, they charge retail
21	A. Silver Spring, yes.	21	price.
22	Q. What do you know about the retail	22	Q. How many times would you get into --